

IN THE CLAIMS

Please cancel claim 8 without prejudice or disclaimer and amend the remaining claims as follows:

1. (Currently Amended) A non-aqueous electrolyte secondary battery comprising:
  - a positive electrode;
  - a negative electrode containing a negative electrode mix containing a material capable of absorbing and releasing lithium, wherein the material is at least one selected from the group consisting of alloys, intermetallic compounds, carbonaceous materials, organic compounds, inorganic compounds, metal complexes and organic high molecular compounds; and
  - a non-aqueous electrolyte,wherein the positive electrode contains a lithium manganese composite oxide, which contains lithium when synthesizing the oxide, as an active material and the negative electrode contains at least one compound selected from the group consisting of sodium compounds, potassium compounds, and strontium compounds, NaOH, Na<sub>2</sub>O, Na<sub>2</sub>O<sub>2</sub>, NaO<sub>2</sub>, Na<sub>2</sub>CO<sub>3</sub>, NaHCO<sub>3</sub>, Na<sub>2</sub>SiO<sub>3</sub>, NaNH<sub>2</sub>, NaN<sub>3</sub>, NaHC<sub>2</sub>, KOH, K<sub>2</sub>O, K<sub>2</sub>O<sub>2</sub>, KO<sub>2</sub>, KN<sub>3</sub>, KNH<sub>2</sub>, KHC<sub>2</sub>, Sr(OH)<sub>2</sub>, SrO, SrO<sub>2</sub> and SrCO<sub>3</sub>, and the content of said compounds in the negative electrode mix is such that the total content of the elements of sodium,

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potassium and strontium is not less than 0.01% by weight and not more than 10% by weight based on the negative electrode mix.

2. CANCELLED.

3. CANCELLED.

4. CANCELLED.

5. (Previously Presented) A non-aqueous electrolyte secondary battery according to claim 1, wherein the lithium manganese composite oxide is of cubic system and has a specific surface area of not more than  $2.0 \text{ m}^2/\text{g}$ , an average particle diameter of not less than  $3 \mu\text{m}$  and not more than  $30 \mu\text{m}$  and a lattice constant  $a$  of not more than  $8.25 \text{ \AA}$ .

6. (Previously Presented) A non-aqueous electrolyte secondary battery according to claim 1, wherein the lithium manganese composite oxide is of rhombic system and has a specific surface area of not more than  $5.0 \text{ m}^2/\text{g}$ , an average particle diameter of not less than  $3 \mu\text{m}$  and not more than  $30 \mu\text{m}$ , and a lattice constant  $a$  of not less than  $2.75 \text{ \AA}$ ,  $b$  of not less than  $5.70 \text{ \AA}$  and  $c$  of not less than  $4.55 \text{ \AA}$ .

7. (Currently Amended) A method for making a non-aqueous electrolyte secondary battery comprising:

a positive electrode;

a negative electrode containing a negative electrode mix containing a material capable of absorbing and releasing lithium, wherein the material is at least one selected from the group consisting of alloys, intermetallic compounds, carbonaceous materials, organic compounds, inorganic compounds, metal complexes and organic high molecular compounds; and

a non-aqueous electrolyte,

wherein the negative electrode is produced using a slurry prepared by adding to the negative electrode mix at least one compound selected from the group consisting of sodium compounds, potassium compounds NaOH, Na<sub>2</sub>O, Na<sub>2</sub>O<sub>2</sub>, NaO<sub>2</sub>, Na<sub>2</sub>CO<sub>3</sub>, NaHCO<sub>3</sub>, Na<sub>2</sub>SiO<sub>3</sub>, NaNH<sub>2</sub>, NaN<sub>3</sub>, NaHC<sub>2</sub>, KOH, K<sub>2</sub>O, K<sub>2</sub>O<sub>2</sub>, KO<sub>2</sub>, KN, KNH<sub>2</sub>, KHC<sub>2</sub>, Sr(OH)<sub>2</sub>, SrO, SrO<sub>2</sub>, and SrCO<sub>3</sub>, and calcium compounds and strontium compounds and mixing them.

8. CANCELLED.

9. (Currently Amended) A non-aqueous electrolyte secondary battery according to claim 1, wherein the at least one compound of the negative electrode is sodium compounds are at

least one compound selected from the group consisting of NaOH, NaO<sub>2</sub>, Na<sub>2</sub>CO<sub>3</sub>, NaHCO<sub>3</sub>, Na<sub>2</sub>SiO<sub>3</sub>, NaNH<sub>2</sub>, NaN<sub>3</sub>, Na<sub>2</sub>C<sub>2</sub>, and NaHC<sub>2</sub>; the potassium compounds are at least one selected from the group consisting of KOH, KN<sub>3</sub>, KNH<sub>2</sub>, K<sub>2</sub>C<sub>2</sub>, and KHC<sub>2</sub>; and the strontium compounds are at least one selected from the group consisting of Sr(OH)<sub>2</sub> and SrCO<sub>3</sub>.

10. (Currently Amended) A non-aqueous electrolyte secondary battery according to claim 1, wherein the at least one compound of the negative electrode is sodium compounds are at least one compound selected from the group consisting of NaOH, Na<sub>2</sub>CO<sub>3</sub>, NaHCO<sub>3</sub>, Na<sub>2</sub>SiO<sub>3</sub>, NaNH<sub>2</sub>, NaN<sub>3</sub>, [and] NaHC<sub>2</sub>; the potassium compounds are at least one selected from the group consisting of KOH, KN<sub>3</sub>, KNH<sub>2</sub>, K<sub>2</sub>C<sub>2</sub> and KHC<sub>2</sub>; and the strontium compounds are at least one selected from the group consisting of Sr(OH)<sub>2</sub> and SrCO<sub>3</sub>.

11. (Previously Presented) A non-aqueous electrolyte secondary battery according to claim 1, wherein the material capable of absorbing and releasing lithium consists of at least one selected from the group consisting of:

at least one carbonaceous material selected from the group consisting of graphite, coke, pyrolytic carbon, mesocarbon

microbeads, graphitized mesophase spherules, vapor deposited carbon, polyacrylonitrile fibers, pitch fibers, cellulose fibers, vapor deposited carbon fibers, and amorphous carbon; and at least one inorganic compound selected from the group consisting of titanium oxide, tungsten oxide, molybdenum oxide, niobium oxide, vanadium oxide, iron oxide, iron sulfide, molybdenum sulfide, titanium sulfide, polythiopene, polyacetylene, cobalt nitride, copper nitride, nickel nitride, iron nitride, and manganese nitride.

12. (Previously Presented) A non-aqueous electrolyte secondary battery according to claim 1, wherein the material capable of absorbing and releasing lithium contains no lithium metal or lithium-containing alloy.

13. (Previously Presented) A method for making a non-aqueous electrolyte secondary battery according to claim 7, wherein the material capable of absorbing and releasing lithium consists of at least one selected from the group consisting of: at least one carbonaceous material selected from the group consisting of graphite, coke, pyrolytic carbon, mesocarbon microbeads, graphitized mesophase spherule, vapor deposited

carbon, polyacrylonitrile fibers, pitch fibers, cellulose fibers, vapor deposited carbon fibers, and amorphous carbon; and at least one inorganic compound selected from the group consisting of titanium oxide, tungsten oxide, molybdenum oxide, niobium oxide, vanadium oxide, iron oxide, iron sulfide, molybdenum sulfide, titanium sulfide, polythiopene, polyacetylene, cobalt nitride, copper nitride, nickel nitride, iron nitride, and manganese nitride.

14. (Previously Presented) A method for making a non-aqueous electrolyte secondary battery according to claim 7, wherein the material capable of absorbing and releasing lithium contains no lithium metal or lithium-containing alloy.

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